

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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|--|---|----------------------------|
| PAUL FRASCELLA |) | |
| <i>United States of America, Ex Rel.</i> |) | |
| |) | |
| Relator, |) | |
| |) | |
| v. |) | Civil Action No. 1:07cv529 |
| |) | |
| ORACLE CORPORATION, et al. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

For the reasons stated in a telephone hearing today, it is ORDERED as follows:

1. Relator's motion (no. 147) for production of documents improperly withheld on claim of attorney-client privilege is GRANTED IN PART,¹ the court finding that the crime/fraud exception to the privilege applies here.
2. By April 20, 2011, defendants shall produce to relator and the Government all documents in issue that were withheld solely on claim of attorney-client privilege.
3. As to documents that were withheld on claim of both work product protection and attorney-client privilege, defendants shall file, by April 22, 2011, a new log, supported by a supplemental brief, that justifies in detail the assertion of work product protection as to each such document.

¹ For clarification, the ordered entered on March 30, 2011 (no. 186) granted this motion in part, respecting document review, and took it under advisement as to (a) applicability of the crime/fraud exception to the attorney-client privilege and (b) work product issues.

4. As to documents withheld solely on the basis of work product protection, defendants shall file a separate new log and supporting brief by April 25, 2011.

5. The motion remains under advisement as to work product issues.

ENTERED this 14th day of April, 2011.

/s/

Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia